

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Daniel J. Stallone, Code Compliance Official: 797-1121

SUBJECT: Resolution

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 04-158 FROM \$56,500.00 TO \$11,444.19; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The property owner was cited for the following violations of the Town of Davie Code:

Section 12-33(G): Commercial vehicles parking in a residential district prohibited.

Section 12-32: Non-permitted uses prohibited. The operation of commercial businesses on the property is a non-permitted use.

Section 12-33(DD): Storage on residential property prohibited.

Section 13-23(C): Restricted occupational license conditions must be adhered to.

PREVIOUS ACTIONS: Not applicable.

CONCURRENCES: The respondent agreed with the Mitigation Guidelines recommendation.

FISCAL IMPACT: Not applicable.

RECOMMENDATION(S): The mitigated amount will cover the Town expenses and the recommended mitigation amount of \$11,444.19 should be considered by the Town Council and the respondent given 45 days to pay the mitigated amount.

Attachment(s): Resolution, Mitigation Request Summary, and Mitigation Worksheet

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF A CODE COMPLIANCE LIEN IN CASE NO. 04-158 FROM \$56,500.00 TO \$11,444.19; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Stanley and Maxine Ragon, has requested a mitigation of a Code Compliance lien from \$56,500.00 to \$11,444.19; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violations of Code Sections 12-33(G), 12-32, 12-33(DD) and 12-23(C) were corrected; and

WHEREAS, the mitigation amount of \$11,444.19 is in accordance with the mitigation guidelines; and

WHEREAS, Stanley and Maxine Ragon, and the Town of Davie Code Compliance Division are agreeable to such mitigation; and

WHEREAS, the Town Council is agreeable to such mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the certain Code Compliance lien arising out of Case 04-158 in the amount of \$56,500.00, against Stanley and Maxine Ragon, is hereby mitigated in amount to \$11,444.19.

SECTION 2. That this mitigated amount of \$11,444.19 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$11,444.19 not be paid within the specified time the lien shall revert to the original amount of \$56,500.00.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2005

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2005

MITIGATION REQUEST SUMMARY

NAME: Stanley and Maxine Ragon

ADDRESS: 5151 SW 76 Avenue

CASE: 04-158

SUMMARY:

Date respondent cited:	December 4, 2003
Date of Final Order:	December 17, 2003
Non-Compliance Hearing(s):	June 8, 2004
Fine/Lien Imposed:	\$56,500.
Date respondent requested mitigation:	September 21, 2004

The respondents were cited for the following violations of the Town of Davie Code:

Section 12-33(G): Commercial vehicles parking in a residential district prohibited.

Section 12-32: Non-permitted uses prohibited. The operation of commercial businesses on the property is a non-permitted use.

Section 12-33(DD): Storage on residential property prohibited.

Section 13-23(C): Restricted occupational license conditions must be adhered to.

At this time, the violations have been fully corrected and mitigation is possible.

The Town Council approved mitigation guidelines recommended the amount of \$11,444.19.

The mitigated amount will cover the Town expenses and the recommended mitigation amount of \$11,444.19 should be considered by the Town Council and the respondent given 45 days to pay the mitigated amount.

DANIEL J. STALLONE
CODE COMPLIANCE OFFICIAL

**TOWN OF DAVIE CODE COMPLIANCE
MITIGATION WORKSHEET
CASE #04-158**

Respondent(s): Stanley and Maxine Ragon

Address: 5151 SW 76 Avenue, Davie, FL

Fine/Lien Amount: \$56,500.

Mitigation Recommendation:
(as per approved mitigation guidelines)

a) 15% of \$56,500	=	\$ 8,475.00
b) 4% of \$56,500 113 days of non-compliance equals 2% of lien/fine per 60 days of non-compliance	=	\$ 2,260.00
c) Mitigation Base Fee (Town costs incurred by Code Compliance)	=	\$ 709.19
Total	=	\$ 11,444.19